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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,321	10/12/2006	Detlef Hulverscheidt JR.	STUR-42	3426
7590 Scott R Foster Pandiscio & Pandiscio 470 Totten Pond Road Waltham, MA 02451-1914			EXAMINER HUYNH, LOUIS K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 02/16/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,321	<b>Applicant(s)</b> HULVERSCHEIDT, DETLEF	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5 & 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, lines 6-7: “further processed by other cut lines” lacks proper antecedent basis in the specification. Note that cut lines are not a device for processing a workpiece, they are just lines that are being cut.
- Claim 5, lines 1-2: “the cut line” renders the claim indefinite because it is unclear as to which cut line applicant is referring, i.e. longitudinal cut line or transverse cut line or other cut lines that runs in neither the longitudinal nor the transverse directions.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 & 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (US 2003/0206211).

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- With respect to claim 1, Baron discloses a method for producing blanks that meets all of applicant's claimed subject matter; in particular, the method of Baron comprises the steps of: cutting a piece of paper (25) with a plurality of cut lines (26A) using a scoring device (30); wherein the cut lines include longitudinal cut line, transverse cut line and diagonal cut line, and wherein the scoring device (30) includes a scoring head (94) that moves parallel to the plane of the piece of paper (25) and is controlled by a computer (24) to cut the piece of paper (25) according to a predetermined cutting indicia (26). Note that the scoring head (94) can be equipped with a variety of scoring pins (FIGS. 10A-F), some of which having cutting edges that can form cut lines (FIG. 16B) through the paper (paragraph 0028, lines 5-7).
- With respect to claim 5, a cut line according to the method of Baron is a continuous perforation line that includes holding points for holding the workpiece and the remainder of the paper together.
- With respect to claim 6, the longitudinal cut lines, the transverse cut line and the other cut line are produced by the scoring head (94) mounted in a printer (30) which is controlled digitally by a computer (24) which is an electronic data processing system.

5. Claims 1 & 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber et al. (US 3,785,898).

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- With respect to claim 1, Gerber discloses a method for producing blanks that meets all of applicant's claimed subject matter; in particular, the method of Gerber comprises the steps of: cutting a workpiece (14) in a longitudinal direction, cutting the workpiece (14) in a transverse direction, further cutting the workpiece (14) in a curvilinear direction, wherein the cutting is performed by a cutter (62).
- With respect to claim 6, the cutter (62) is controlled by a controller (53) which is an electronic data processing system.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. (US 3,785,898).

- The method of Geber meets all of applicant's claimed subject matter except for hold points along the cut lines for holding the blank to the remainder of the workpiece (14). It would have been obvious to a skilled person in the art, at the time of the invention was made, as a matter of engineering designed choice to have provided hold points for holding the blank to the remainder of the workpiece (14) in order to facilitate easy removal of the workpiece and the blank together for transportation to a next processing line.

***Response to Arguments***

8. Applicant's arguments filed 11/23/2009 have been fully considered but they are not persuasive. Applicant contends that the scoring system of Baron is different from the cutting system of the present application because scoring is accomplished by perforating with at least one pin, and the perforation(s) are said to weaken the media along a region or line for subsequent separation. This is not found persuasive because Baron teaches at paragraph 0028, lines 5-7 that a score may be, for example, in the form of a cut partially through the media or a series of perforations through the media; thus it is clear that scoring according to Baron is cutting.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 7, 2010

/Louis K. Huynh/  
Primary Examiner  
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